



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

August 15, 2016

Ms. Patty Shore, VP Project Development  
Hecate Energy Cherrydale LLC  
115 Rosa Parks Blvd.  
Nashville, Tennessee 37203

Location: Northampton County  
Registration No.: 2016-S02

Dear Ms. Shore:

The Department of Environmental Quality (DEQ), after consultation with other agencies in the Secretariat of Natural Resources, has completed its review of your application for coverage under the Small Renewable Energy Project (Solar) Permit By Rule.

Permit by Rule Determination: Based upon this review, the Hecate Energy Cherrydale LLC application received on July 9, 2016, including all commitments referenced within the Application Documents including mitigation measures under Item 8, Mitigation Plan (Application Documents: pg. 27-30) and the correction document received August 9, 2016 listed below, accomplishes all of the requirements of 9VAC15-60-30:

Application Documents received August 9, 2016:

- Correction, Local Governing Body Certification Form

DEQ accepts the determination that no formal mitigation for either cultural or wildlife resources is required. Therefore, authority is hereby granted to Hecate Energy Cherrydale LLC to construct and operate a photovoltaic project in Northampton County on a 236 acre parcel on the southeast corner of Seaside Road and Cherrydale Drive

with a maximum capacity of 20 MW in accordance with the Application Documents and this letter of approval.

In addition, DEQ strongly encourages the applicant to incorporate the Recommended Actions listed below.

Recommended Actions: The following are recommended actions to further protect natural resources and should be considered for inclusion to the list of Mitigation Measures committed to under Item 8 Mitigation Plan, pgs. 33-34 of the Application Documents:

- Reduce potential impacts to box turtles; contact JD Kleopfer, DGIF Statewide Herpetologist, [John.Kleopfer@dgif.virginia.gov](mailto:John.Kleopfer@dgif.virginia.gov) for guidance.
- Reduce fragmentation by (i) minimizing edge in remaining fragments (leaving round versus long, skinny fragments); (ii) retaining connective corridors that allow for migration between fragments; and (iii) by designing intervening landscape to minimize its hostility to native wildlife. Minimizing fragmentation is a key mitigation measure that will preserve connectivity of habitats that are key for biodiversity.
- Follow the Virginia Department of Game and Inland Fisheries guidelines and guidance on tree removal and T&E bats. Guidelines and guidance available at:

<http://www.dgif.virginia.gov/environmental-programs/environmental-services-section/>

<http://www.dgif.virginia.gov/wildlife/bats/northern-long-eared-bat-application/>

<http://www.dgif.virginia.gov/wildlife/bats/little-brown-bat-tri-colored-bat-winter-habitat-roosts-application/>

[http://www.dgif.virginia.gov/wp-content/uploads/LBBA\\_TCBA\\_Guidance.pdf](http://www.dgif.virginia.gov/wp-content/uploads/LBBA_TCBA_Guidance.pdf)

<http://www.dgif.virginia.gov/wp-content/uploads/VDGIF-Time-of-Year-Restrictions-Table.pdf>

(note on-line tools and guidance have been updated).

- Use of native vegetation under panel arrays as proposed in the application (pg. 25 Application Documents) should be extended to include the use of native vegetation for the 60-foot to 100-foot buffers around the site perimeter borders and include a seasonal mowing schedule to avoid nesting season. It is understood that applicant will consult with Department of Conservation and Recreation (DCR), not DHR as mentioned in the application (pg.30 Application Documents).
- Develop a monitoring and control plan for invasive species.
- Treat invasive vegetation within the project area prior to construction.

- Examine earth moving equipment for rhizomes and seed heads; any soils that may be brought into the construction should be inspected for propagules.
- Strict adherence to erosion and sediment control measures.

Hecate Energy Cherrydale LLC shall notify Mary E. Major, DEQ Office of Renewable Energy Permitting, of the actual date on which construction of the solar project commences as soon as practicable. In addition, Hecate Energy Cherrydale LLC shall provide an as-built map of the project post construction.

Please note that if Hecate Energy Cherrydale LLC is later determined by the DEQ not to qualify for coverage under the terms and conditions of the Small Renewable Energy Project (Solar) Permit By Rule, then Hecate Energy Cherrydale LLC will be subject to enforcement action under the enforcement provisions of the Small Renewable Energy Project (Solar) Permit By Rule (9VAC15-60-140) for operation without a permit.


As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of the service of this decision to initiate an appeal of this decision, by filing notice with:

David K. Paylor, Director  
Virginia Department of Environmental Quality  
ATTN: Office of Renewable Energy Permitting  
Post Office Box 1105  
Richmond, Virginia 23218

In the event this decision is served to you by mail, three days will be added to that period. Please refer to Part Two of the Rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which the appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this authorization under the Small Renewable Energy Project Permit By Rule, please contact Mary E. Major at 804-698-4423.

Sincerely,



Angela Jenkins, Director  
Division of Policy